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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Examiner: Michener, Jennifer Kolb

Pacetti et al.

Serial No.: 10/040,538

Art Unit: 1762

Filed: 12/28/01

**RECEIVED
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OCT 23 2006**Title: A System and Method for Coating Implantable Devices

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Declaration under 37 CFR § 1.132

I, Li Chen, declare the following:

1. I earned a BS degree in Precision Instruments from Tsinghua University; a MS in Electrical & Systems Engineering from University of Connecticut; and PhD in Optical Engineering from Tsinghua University.

2. My employment includes Sr. Optical Engineer and Project Manager at Capella Photonics; Staff Engineer & Group Manager at Oplink Communications; and Principal Engineer, at Guidant Corporation.

3. At Guidant Corporation my responsibilities included laser welding attachment of radiopaque markers to stents; laser bonding of polymer balloon; laser cutting for special metal stents; laser etching drug delivery stent; micro machining of micron size holes (5 microns) for porous drug delivery balloon and perforated tube for radiation system; operated sophisticated mechanical

50623.149

tooling and fixture design such as an automatic loading/unloading system and a dual-beam switching system; and created medical devices innovations as well as medical device (stent) design using AutoCAD, SolidWorks, SmartCAM and FEA tools.

4. I am an inventor of U.S. Patent No. 6,395,326 assigned to Advanced Cardiovascular Systems Inc., which was a subsidiary of Guidant Corporation.

5. U.S. Patent No. 6,395,326 is now owned by Abbott Corporation.

6. I have read and understand the content of U.S. Patent No. 6,395,326.

7. I have read and understand the contents of Application Serial No. 10/040,538 assigned to Advanced Cardiovascular Systems Inc., now owned by Abbott Corporation.

8. I submit that U.S. Patent No. 6,395,326 does not teach "directing a gas, from a gas dispenser positioned at a distance from the coating dispenser, onto the implantable medical device, wherein if the solvent has a vapor pressure greater than 17.54 Torr at ambient temperature the temperature of the gas is adjusted to decrease the evaporation rate of the solvent, and if the solvent has a vapor pressure of less than 17.54 Torr at ambient temperature the temperature of the gas is adjusted to increase the evaporation rate of the solvent," as recited by claim 1 of Application Serial No. 10/040,538.

9. I submit that U.S. Patent No. 6,395,326 does not teach "blowing a gas, from a gas blower positioned at a distance from the coating dispenser, directly onto the implantable medical device to either increase or decrease the evaporation rate of the solvent from the composition on the

50623.149

implantable medical device, wherein if the solvent is non-volatile the temperature of the gas is adjusted to increase the evaporation rate of the solvent, and if the solvent is volatile the temperature of the gas is adjusted to decrease the evaporation rate of the solvent," as recited by claim 23 of Application Serial No. 10/040,538.

10. I submit that U.S. Patent No. 6,395,326 does not teach "blowing a gas from a blower onto the stent to either increase or decrease the evaporation rate of the solvent from the coating substance on the stent based on the volatile properties of the solvent; and rotating the stent supported by the support assembly about a longitudinal axis of the stent," as recited by claim 54 Application Serial No. 10/040,538.

11. I believe that U.S. Patent No. 6,395,326 fails to teach what is recited in the independent claims of the above-identified application.

12. I further declare that all statements made herein of our own knowledge are true and that all statements made upon information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Executed on 10-13-2006



Li Chen